

Application No. 09/432,927
Response dated April 28, 2004
Reply to Office Action of January 29, 2004

REMARKS

Claims 1-13 are pending in the application; the status of the claims is as follows:

Claims 1, 2, 4, 5, and 7-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Takebe, U.S. Pat. No. 6,356,314 B1.

Claims 3, 6, and 13 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The indication by the examiner that claims 3, 6, and 13 would be allowable if rewritten in independent form is noted with appreciation.

The indication on the Notice of References Cited, Form PTO-892, which refers to Reference A, incorrectly misspells the inventor's name. The correct spelling should be Willems, et al.

35 U.S.C. § 102(e) Rejection

The rejection of claims 1, 2, 4, 5, and 7-12 under 35 U.S.C. § 102(e) as being anticipated by Takebe, is respectfully traversed based on the following.

The present application claims the benefit under 35 U.S.C. §119 of an earlier filed foreign application JP 10-317997 having a filing date of November 9, 1998. The Examiner has acknowledged receipt of the Certified Copy of the priority document.

Cited reference Takebe has a §102(e) date of September 9, 1999, which is ten months *after* the foreign priority date of the current application. (The PCT Pub. Date is ineffective because the publication, WO98/04874, was published in Japanese)

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Thus, in accordance with 37 C.F.R. 1.55, applicants may rely on the foreign priority date of the present application and overcome the date of Takebe by submitting a translation of foreign application JP 10-317997.

Accordingly, provided herewith is a translation of foreign application JP 10-317997 together with a verified statement that the translation of the certified copy is accurate.

Accordingly, it is respectfully requested that the rejection of claims 1, 2, 4, 5, and 7-12 under 35 U.S.C. § 102(e) as being anticipated by Takebe, be reconsidered and withdrawn.

In view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully requested.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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